
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
State of Alaska)	File No. EB-FIELDWR-12-00004413
Antenna Structure Registrant)	
ASR #1003204)	NOV No. V201232780023
Nenana, Alaska)	
)	

NOTICE OF VIOLATION

Released: September 28, 2012

By the Resident Agent, Anchorage Resident Agent Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's Rules,¹ to the State of Alaska, registrant of antenna structure # 1003204 in Nenana, Alaska. Pursuant to Section 1.89(a) of the Commission's Rules, issuance of this NOV does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On September 14, 2012, an agent of the Enforcement Bureau's Anchorage Resident Agent Office inspected antenna structure #1003204 located one mile north of Nenana, Alaska, and observed the following violations:

- a. 47 C.F.R. § Section 17.4(g): "The Antenna Structure Registration Number must be displayed in a conspicuous place so that it is readily visible near the base of the antenna structure. Materials used to display the Antenna Structure Registration Number must be weather-resistant and of sufficient size to be easily seen at the base of the antenna structure." The agent did not observe the antenna registration number posted near the base or in the vicinity of the antenna structure.
- b. 47 C.F.R. § Section 17.23: "Unless otherwise specified by the Commission, each new or altered antenna structure to be registered on or after January 1, 1996, must conform to the FAA's painting and lighting recommendations set forth on the structure's FAA determination of "no hazard," as referenced in

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

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the . . . FAA Advisory Circulars . . .” Antenna structure number 1003204 requires painting and lighting requirements as specified by FAA Chapters 4 and 5 of FAA Circular Number 70/7460-1F. Chapter 4 requires flashing aviation red beacons and steady burning aviation red lights during nighttime operation. Aviation orange and white paint should be used for daytime marking. The agent did not observe orange and white painting on the tower.

3. Pursuant to Section 403 of the Communications Act of 1934, as amended,³ and Section 1.89 of the Commission's Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, the State of Alaska, must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁴

4. In accordance with Section 1.16 of the Commission's Rules, we direct the State of Alaska to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the State of Alaska with personal knowledge of the representations provided in the State of Alaska response, verifying the truth and accuracy of the information therein,⁵ and confirming that all of the information requested by this Notice which is in the licensee's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁶

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Anchorage Resident Agent Office
P.O. Box 231949
Anchorage, Alaska 99523-1949

³ 47 U.S.C. §403.

⁴ 47 C.F.R. § 1.89(c).

⁵ Section 1.16 of the Commission's Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁶ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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6. This Notice shall be sent to the State of Alaska at its address of record.

7. The Privacy Act of 1974⁷ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Marlene Windel
Resident Agent
Anchorage Resident Agent Office
Western Region
Enforcement Bureau

⁷ P.L. 93-579, 5 U.S.C. § 552a(e)(3).